

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

2006 MAY 11 A 9:41
Kenneth Price, 150784,

Petitioner,
MIDDLE DISTRICT ALA

v.

J.C. Giles, et al.,

Respondents.

CIVIL ACTION NO. 2:06-236-WKW

PETITIONERS SHOW OF CAUSE

COMES NOW the Petitioner in the above styled cause, and in response to this Court's Order to Show Cause of failure to exhaust state court remedies on May 4, 2006. In support of Petitioner's Response and Show of Cause Petitioner shows this Honorable Court as follows:

- (1) Petitioner's Appellate counsel filed a no merit brief under Anders v. California.
- (2) The Court of Criminal Appeals reviewed the record of Petitioner's case and agreed with the appellate counsel. Even after Petitioner attempted to raise issues pro se in the Alabama Court of Criminal Appeals.
- (3) Petitioner did request additional appellate counsel by appointed on direct appeal but was denied.
- (4) The Alabama Supreme Court denied the Writ of Certiorari. Subsequently, the Trial Court's conviction was affirmed as well as the Court of Criminal Appeals and Appellate Counsel that there were no reviewable issues.

- (5) Petitioner attempted to raise all issues that are now presented to this Habeas Court in post-conviction Rule 32 proceedings, which was summarily denied, including ineffective assistance of counsel on appeal.
- (6) The State of Alabama has not presented the entire record of Petitioner's case or pertinent portions that would fully demonstrate Petitioner's efforts to resolve these issues now presented to this Honorable Court.
- (7) Petitioner has worked diligently to resolve these issues of errors of the trial court, both trial counsel and appellate counsel, but has been denied at every stage in the State courts of Alabama.
- (8) Petitioner is not a legal tactician however, has identified these issues of constitutional violations to not only the State courts but this Habeas Court also.
- (9) The State courts of Alabama have failed "Petitioner, a layman" any amount of leeway to present these issues to the best of his own ability knowing that Petitioner was completely abandoned on direct appeal by counsel. This leaves Petitioner no other choice than to believe any further proceedings in any of the Alabama State Courts would be both futile and meaningless.
- (10) Therefore, Petitioner shows what should have been raised on direct appeal by counsel was not, leaving Petitioner to raise claims and issues in Rule 32 proceedings of post-conviction process only to be denied.
- (11) Because of his ignorance to laws and procedure Petitioner has been denied a proper, meaningful redress of his convictions by the State of Alabama in violation of the United States Constitution.

WHEREFORE, these premises considered, Petitioner respectfully requests this Court grant his Show of Cause, disregard the State's claim that Petitioner has not exhausted State court remedies or is procedurally defaulted, and grant Petitioner's Writ of Habeas Corpus and order future proceedings.

Respectfully submitted this 9 day of May, 2006.

Kenneth Price
Petitioner

I swear and affirm under penalty of perjury the foregoing is true and correct.

Kenneth Price
Petitioner

I hereby certify that I have place a true copy of the foregoing in the United States Postal Service Box located at Ventress Correctional Facility to be mailed to the following parties on this 9 day of May, 2006.

Kenneth Price
Petitioner

Clerk of the United States District Court

The Alabama Office of the Attorney General

NOTARY BLOCK

STATE OF ALABAMA

COUNTY OF BARBOUR

Subscribed and sworn to before me this

9th day of May, 2006.

Carolyn R. Abercrombie
Notary Public

My Commission Expires August 18, 2007

Comm. Exp. Date